

REMARKS/ARGUMENTS

1.) Claim Amendments

The Applicants have amended claims 1, 12, 14, 16, 17, 23, 31, 43, 46, and 47; claim 13 has been canceled herein; and claims 2-4, 8-10, 18-20, 24-30, 32-42, 44, 45, and 48 were previously canceled. Accordingly, claims 1, 5-7, 11, 12, 14-17, 21-23, 31, 43, 46, and 47 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

2.) Claim Rejections – 35 U.S.C. § 112

In paragraph 2 of the Office Action, the Examiner rejected claim 47 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner argued that claim 47 is contradictory because it is not possible to exchange a non-temporary identification number without revealing the identity of the first wireless device to the second wireless device.

The Applicants have amended claim 47 to clarify that the purpose of the method is to communicate information between a first wireless device and a second wireless device without revealing the identity of the first wireless device or its user to a third party. The Applicants apologize for the confusion caused by the earlier incorrect drafting of claim 47. Basis for the amendment is found in the specification on page 2, lines 10-16 where “someone” is the third party. Therefore, the withdrawal of the § 112 rejection and the allowance of amended claim 47 are respectfully requested.

3.) Claim Rejections – 35 U.S.C. § 102(e)

In paragraphs 3-4 of the Office Action, the Examiner rejected claims 12 and 21 under 35 U.S.C. § 102(e) as being anticipated by Babbitt, et al. (US 6,618,757). The Examiner contends that Babbitt discloses a method of communicating from a first wireless network device using a wireless communication protocol without revealing an identity of the first wireless network device. However, the invention by Babbitt relates to

IP-address allocation between private IP addresses and external IP addresses. There is no effort by Babbitt to hide the identity of the first wireless device. The allocated address is sent in the clear.

Claim 12 has been amended to include the limitations of claim 13 and to clarify that the method does not reveal the identity of the first wireless device to a third party. Amended claim 12 recites:

12. A method of communicating from a first wireless network device to a second wireless network device using a wireless network communications protocol without revealing an identity of the first wireless network device to a third party, comprising the steps of:
generating a random identification number at the first wireless network device;
using the random identification number to request ~~requesting~~ a temporary identification number for the first wireless network device from a source located remotely from the first wireless network device;
receiving the temporary identification number from the remote source responsive to the request; and
transmitting information from the first wireless network device to the second wireless network device utilizing the temporary identification number instead of the identity of the first wireless network device.

The limitations added to claim 12 from claim 13 are not taught or suggested by Babbitt. Therefore, the withdrawal of the § 102 rejection and the allowance of claim 12 and dependent claim 21 are respectfully requested.

In paragraph 5 of the Office Action, the Examiner rejected claim 43 under 35 U.S.C. § 102(e) as being anticipated by Yokoo, et al. (US 2003/0191560 A1). In particular, the Examiner cites page 19, paragraphs 292-297 for disclosing the claimed invention. The Applicants respectfully disagree.

Yokoo discusses only Bluetooth authentication key generation. In particular, paragraph 292-296 of Yokoo discloses, "An encryption key used for authentication is produced by the exclusive OR of a random number generated by the master and the MAC address of the slave."

Claim 43 has been amended to recite:

43. A method for enabling communications between a first wireless network device and a second wireless network device without

revealing the identities of the first and second wireless network devices to a third party, comprising the steps of:

establishing between the first wireless network device and the second wireless network device, an encrypted connection which the third party cannot decrypt;

exchanging a non-temporary identification number and an index value over the encrypted connection between the first wireless network device and the second wireless network device;

generating a temporary identification number using the non-temporary identification number and an index value; and

establishing subsequent connections between the first wireless network device and the second wireless network device using the temporary identification number as a wireless network identification number associated with the first device.

The Applicants reading of Yokoo has not revealed any disclosure of a method for enabling communications between a first wireless network device and a second wireless network device without revealing the identities of the first and second wireless network devices to a third party. Instead, the cited paragraphs of Yokoo disclose a method of uniquely identifying a particular device because it has the proper authentication key. Therefore, the withdrawal of the § 102 rejection and the allowance of amended claim 43 are respectfully requested.

4.) Claim Rejections – 35 U.S.C. § 103(a)

In paragraphs 6-7 of the Office Action, the Examiner rejected claims 1 and 6-7 under 35 U.S.C. § 103(a) as being unpatentable over Yamashina et al. (US 5,758,282) in view of Yokoo. The Examiner contends that the invention recited in claim 1 is shown by Yamashina except for switching to an encrypted connection, exchanging pseudo random identities, and using the pseudo random identities to set up subsequent connections. The Examiner contends these limitations are disclosed by Yokoo. The Applicants respectfully disagree.

Yamashina only provides a description of the old Apple Talk protocol for obtaining a free temporary address in a fixed network. This is different from the claimed invention because Yamashina only discloses the generation of a random address and a method to avoid address conflict within a fixed network. Yamashina fails to teach or suggest switching to an encrypted connection which a third party cannot decrypt,

exchanging pseudo random identities, and using the pseudo random identities to set up subsequent connections so that the identity of the first wireless device is not revealed to the third party. Yokoo, as noted above, only discloses the generation of Bluetooth authentication keys. There is no disclosure or suggestion whatsoever of the generation of temporary or pseudo random identities, or switching the first and second wireless network devices to an encrypted connection which the third party cannot decrypt, as recited in claim 1. Instead, Yokoo discloses a method of uniquely identifying a particular device (rather than keeping it anonymous) because it has the proper authentication key. Thus, the cited combination does not disclose or suggest all of the claim limitations. For all the above reasons, the withdrawal of the § 103 rejection and the allowance of claim 1 are respectfully requested.

Claims 6 and 7 depend from claim 1 and recite further limitations in combination with the novel and unobvious elements of claim 1. Therefore, the allowance of claims 6 and 7 is respectfully requested.

In paragraph 8 of the Office Action, the Examiner rejected claim 5 under 35 U.S.C. § 103(a) as being unpatentable over Yamashina in view of Yokoo, and further in view of Pelissier, et al. (US 6,496,503). Claim 5 depends from claim 1 and recites further limitations in combination with the novel and unobvious elements of claim 1. As noted above, the combination of Yamashina and Yokoo does not disclose or suggest all of the claim limitations of base claim 1. Pelissier does not cure these deficiencies. Pelissier discloses a scenario in which a Central Network Manager periodically assigns MAC addresses to devices in the network. This is very different from the claimed invention in which the wireless devices themselves select new device identities. Therefore, the allowance of claim 5 is respectfully requested.

In paragraph 9 of the Office Action, the Examiner rejected claim 11 under 35 U.S.C. § 103(a) as being unpatentable over Yamashina in view of Yokoo, and further in view of Babbitt. Claim 11 depends from claim 1 and recites further limitations in combination with the novel and unobvious elements of claim 1. As noted above, the combination of Yamashina and Yokoo does not disclose or suggest all of the claim

limitations of base claim 1. Babbitt does not cure these deficiencies. Therefore, the allowance of claim 11 is respectfully requested.

In paragraph 10 of the Office Action, the Examiner rejected claim 13 under 35 U.S.C. § 103(a) as being unpatentable over Babbitt in view of Yamashina. The Examiner contends that Babbitt discloses every limitation of base claim 12, and that Yamashina shows the limitations of claim 13. Claim 13 has been canceled and its limitations incorporated into claim 12. Therefore, the Applicants will address this rejection as if made against amended claim 12.

As noted above, the invention by Babbitt relates to IP-address allocation between private IP addresses and external IP addresses. There is no effort by Babbitt to hide the identity of the first wireless device from a third party. The allocated address is sent in the clear.

Yamashina only discloses the generation of a random address and a method to avoid address conflict within a fixed network. Yamashina fails to teach or suggest generating a random identification number at the first wireless network device, and using the random identification number to request a temporary identification number for the first wireless network device from a source located remotely from the first wireless network device. Therefore, the combination of Babbitt and Yamashina fails to disclose or suggest all of the claimed limitations of amended claim 12. Therefore, the allowance of amended claim 12 is respectfully requested.

In paragraph 11 of the Office Action, the Examiner rejected claims 14, 16, and 17 under 35 U.S.C. § 103(a) as being unpatentable over Babbitt in view of Yamashina, and further in view of Applicants' Admitted Prior Art (AAPA). The Examiner contends that Babbitt discloses every limitation of base claim 12, that Yamashina shows the limitations of claim 13, and that AAPA shows the limitations of claims 14, 16, and 17. The Applicants respectfully disagree.

As noted above, the invention by Babbitt relates to IP-address allocation between private IP addresses and external IP addresses. There is no effort by Babbitt to hide the identity of the first wireless device. The allocated address is sent in the clear.

Yamashina only discloses the generation of a random address and a method to avoid address conflict within a fixed network. Yamashina fails to teach or suggest generating a random identification number at the first wireless network device, and using the random identification number to request a temporary identification number for the first wireless network device from a source located remotely from the first wireless network device.

AAPA also fails to teach or suggest a method of communicating from a first wireless network device using a wireless network communications protocol without revealing an identity of the first wireless network device to a third party, as claimed by the Applicants.

Therefore, the combination of Babbitt, Yamashina, and AAPA fails to disclose or suggest all of the claimed limitations of amended base claim 12. Therefore, the allowance of dependent claims 14, 16, and 17 is respectfully requested.

In paragraph 12 of the Office Action, the Examiner rejected claim 15 under 35 U.S.C. § 103(a) as being unpatentable over Babbitt in view of Yamashina and AAPA, and in further view of Pelissier. The Examiner contends that Babbitt discloses every limitation of base claim 12, that Yamashina shows the limitations of claim 13, that AAPA shows the limitations of claim 14, and that Pelissier discloses the limitation of claim 15. The Applicants respectfully disagree.

As noted above, the invention by Babbitt relates to IP-address allocation between private IP addresses and external IP addresses. There is no effort by Babbitt to hide the identity of the first wireless device. The allocated address is sent in the clear.

Yamashina only discloses the generation of a random address and a method to avoid address conflict within a fixed network. Yamashina fails to teach or suggest generating a random identification number at the first wireless network device, and using the random identification number to request a temporary identification number for the first wireless network device from a source located remotely from the first wireless network device.

AAPA also fails to teach or suggest a method of communicating from a first wireless network device using a wireless network communications protocol without

revealing an identity of the first wireless network device to a third party, as claimed by the Applicants.

Pelissier does not cure these deficiencies. Pelissier discloses a scenario in which a Central Network Manager periodically assigns MAC addresses to devices in the network. This is very different from the claimed invention in which the wireless devices themselves select new device identities.

Therefore, the combination of Babbitt, Yamashina, AAPA, and Pelissier fails to disclose or suggest all of the claimed limitations of claim 15. Therefore, the allowance of claim 15 is respectfully requested.

In paragraph 13 of the Office Action, the Examiner rejected claim 22 under 35 U.S.C. § 103(a) as being unpatentable over Yamashina in view of Yokoo and Babbitt, and further in view of Singhal, et al. (US 6,633,761). Claim 22 depends from claim 11, which depends from claim 1. As noted above, the combination of Yamashina and Yokoo does not disclose or suggest all of the claim limitations of base claim 1. Babbitt and Singhal do not cure these deficiencies because they do not teach or suggest a method of communicating from a first wireless network device using a wireless network communications protocol without revealing an identity of the first wireless network device to a third party. Therefore, the allowance of claim 22 is respectfully requested.

Additionally, the Applicants respectfully submit that the Office Action simply takes bits and pieces of information from each reference and pieces them together like a jigsaw puzzle using the Applicants' disclosure as a blueprint. However, the case law makes it clear that the best defense against hindsight-based obviousness analysis is the rigorous application of the requirement for a showing of a teaching or motivation to combine the prior art references. *See Dembiczak*, 50 USPQ2d, 1614, 1617 (Fed. Cir. 1999). "Combining prior art references without evidence of such a suggestion, teaching, or motivation simply takes the inventor's disclosure as a blueprint for piecing together the prior art to defeat patentability - the essence of hindsight." *Id.* It is respectfully submitted that the only way so many disparate references could be pieced together to defeat patentability is indeed to use Applicant's disclosure as a blueprint, as

is clearly illustrated by the use of multiple references to render a single element of claim 22 obvious.

In paragraph 14 of the Office Action, the Examiner rejected claim 23 under 35 U.S.C. § 103(a) as being unpatentable over Yamashina in view of Yokoo, and in further view of Lipsanen (US 2003/0191560 A1). Claim 23 depends from claim 1 and recites further limitations in combination with the novel and unobvious elements of claim 1. As noted above, the combination of Yamashina and Yokoo does not disclose or suggest all of the claim limitations of base claim 1. Lipsanen does not cure these deficiencies. Therefore, the allowance of claim 23 is respectfully requested.

In paragraph 15 of the Office Action, the Examiner rejected claim 31 under 35 U.S.C. § 103(a) as being unpatentable over Yamashina in view of Inoue, et al. (US 6,587,882) and Pelissier. As noted above, Yamashina only provides a description of the old Apple Talk protocol for obtaining a free temporary address in a fixed network. This is different from the claimed invention because Yamashina only discloses the generation of a random address and a method to avoid address conflict within a fixed network.

In the claimed invention, the first wireless network device generates a temporary identification number using an algorithm within the first wireless network device, wherein the algorithm is known only to the first wireless network device. The first device then inserts the temporary identification number as a wireless network identification number into a message to be transmitted from the first wireless network device. Since the algorithm is known only to the first device, the second device cannot ascertain the true identity of the first device. There is no disclosure or suggestion of such use of a temporary identification number to prevent revealing an identity of the first wireless network device to a second device.

Inoue discloses a mobile computer management device in a visited site, which leases a temporal home address to be used by an externally located mobile computer. This is very different from the claimed invention, which recites that the wireless devices themselves periodically and randomly select new device identities. Like Inoue, Pelissier

discloses a Central Network Manager, which periodically assigns MAC addresses to devices in the network. This is very different from the claimed invention in which the wireless devices themselves select new device identities.

Thus, the cited combination fails to disclose or suggest all of the claimed limitations of claim 31. Therefore, the allowance of claim 31 is respectfully requested.

In paragraph 16 of the Office Action, the Examiner rejected claim 46 under 35 U.S.C. § 103(a) as being unpatentable over Yamashina in view of Ahmed, et al. (US 6,735,202). Claim 46 has been amended to recite:

46. A method of communicating information from a first wireless device to a second wireless device without revealing the identity of the first wireless device or its user to a third party, said method comprising:

randomly selecting an identification number for the first wireless device;

generating an access code identifying a format of the temporary identification number, wherein the access code is understood by the second wireless device but not the third party; and

transmitting information from the first wireless device to the second wireless device, said information including the temporary identification number and the access code;

wherein information is communicated between the first wireless device and the second wireless device without revealing to the third party, the identity of the first wireless device or its user.

As noted above, Yamashina only provides a description of the old Apple Talk protocol for obtaining a free temporary address in a fixed network. This is different from the claimed invention because Yamashina only discloses the generation of a random address and a method to avoid address conflict within a fixed network. There is no disclosure or suggestion of in Yamashina of a method of protecting the identity of the first wireless device from a third party by randomly selecting an identification number for the first wireless device; generating an access code identifying a format of the temporary identification number, wherein the access code is understood by the second wireless device but not the third party; and transmitting the temporary identification number and the access code from the first wireless device to the second wireless device.

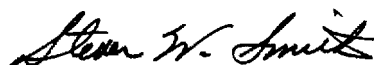
The Examiner cites Ahmed for disclosing the use of an address type field that is transmitted along with the address, which is an identification number. Ahmed, however, does not overcome the shortcomings of Yamashina. In addition, the address in Ahmed is not a randomly generated identification number, as recited in claim 46. Thus, the cited combination fails to disclose or suggest all of the claimed limitations of claim 46. Therefore, the allowance of claim 46 is respectfully requested.

CONCLUSION

In view of the foregoing remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 1, 5-7, 11-17, 21-23, 31, 43, 46, and 47.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would expedite the prosecution of the Application.

Respectfully submitted,



Steven W. Smith
Registration No. 36,684

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Ericsson Inc.
6300 Legacy Drive, M/S EVR 1-C-11
Plano, Texas 75024

(972) 583-1572
steve.xl.smith@ericsson.com